

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRACEY SCHUSTERMAN,

Petitioner,

- against -

ROSA MAZZONE,

Respondent.

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AMENDED PETITION TO
CONFIRM
ARBITRATION AWARD

Pursuant to the Federal Arbitration Act ("FAA"), 9 U.S.C. § 9, Petitioner Tracey Schusterman ("Schusterman" or "Petitioner") hereby petitions the Court to confirm and enter judgment upon the arbitration award entered and served on December 11, 2018 by a panel of arbitrators in the consolidated arbitration entitled Tracey Schusterman v. Rosa Mazzone, Financial Industry Regulatory Authority ("FINRA") arbitration case number 17-02501 and Rosa Mazzone v. Tracey Schusterman, FINRA arbitration case number 17-2504 (the "Award"). (A true and correct copy of the Award is attached as Exhibit A and incorporated by reference.) In support of this Petition, Schusterman also submits her concurrently-filed Memorandum of Law in Support of Petition to Confirm Arbitration Award. Petitioner alleges as follows:

BACKGROUND

1. Petitioner Tracey Schusterman is a natural person and a citizen of the State of New York.
2. Respondent Rosa Mazzone is a natural person and a citizen of the State of New Jersey.
3. This Court has subject matter jurisdiction over this Petition pursuant to 28 U.S.C. § 1332 because the parties are citizens of different states and the amount in controversy

exceeds \$75,000.

4. This Court has personal jurisdiction over Mazzone by virtue of her substantial contacts with the State of New York, including, without limitation, her personal appearance at and participation in the FINRA arbitration hearing in New York City that resulted in the Award.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 and 9 U.S.C. § 9 because the Award was made in the Southern District of New York and a substantial part of the events giving rise to the claims and counterclaims therein occurred in the Southern District of New York.

PROCEDURAL HISTORY

6. In or about September, 2017, the parties submitted the underlying dispute to arbitration before FINRA. (Award at 1-2)

7. In their submission agreements, the parties "agreed that a judgment and any interest due thereon, may be entered upon such award(s) and, for these purposes, the parties hereby voluntarily consent to submit to the jurisdiction of any court of competent jurisdiction which may properly enter such judgment." Furthermore, the FINRA Code of Arbitration Procedure provides that "awards may be entered as a judgment in any court of competent jurisdiction." FINRA Code of Arbitration Procedure for Industry Disputes, Rule 13904(a).

8. Notice of the arbitration was duly given to both parties.

9. Ten days of in-person evidentiary hearings were conducted by the panel. (Award at 6-7) Mazzone appeared and was represented by counsel at the evidentiary hearing.

10. On December 11, 2018, after considering the pleadings, testimony, evidence and arguments presented at the hearing, the panel rendered the written Award finding for

Schusterman in part and for Mazzone in part. In the Award, the panel ordered Mazzone to pay Schusterman the sum of \$498,488.50.

11. A true and correct copy of the Award was delivered by FINRA to Schusterman and Mazzone on December 11, 2018.

12. Mazzone has failed to pay any of the amounts ordered in the Award.

REQUEST FOR RELIEF

13. Pursuant to 9 U.S.C. § 9, Schusterman respectfully requests that the Court enter an Order:

- a. Confirming the Arbitration Award;
- b. Entering final judgment in favor of Schusterman and against Mazzone pursuant to the terms of the Award in the amount of \$498,488.5 with interest at the rate of 9% per annum from January 10, 2019 until the Award is paid in full;
- c. Attorneys' fees and costs;
- d. Any such other and further relief as the Court deems appropriate.

Dated: New York, New York
January 9, 2019

VLADECK, RASKIN & CLARK, P.C.

By: /s _____
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